

Before the
FEDERAL COMMUNICATIONS COMMISSION
.. Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Allocation of Spectrum Below) ET Docket No. 94-32
5 GHz Transferred from)
Federal Government Use)

COMMENTS OF THE
NATIONAL COMMUNICATIONS SYSTEM

The Secretary of Defense, Executive Agent of the National Communications System (NCS)¹, through duly authorized counsel, pursuant to Section 201 of the Federal Property and Administrative Services Act

¹Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984 (49 Fed. Reg. 13471, 1984), established the National Communications System (NCS), which consists of an administrative structure involving the Executive Agent, Committee of Principals, Manager, and the telecommunications assets of the Federal organizations which are represented on the Committee of Principals. Section 1(e) of Executive Order 12472 designates the Secretary of Defense as Executive Agent for the NCS. By direction of the Executive Office of the President (EOP), the NCS members organizations (which are represented on the Committee of Principals) are: Department of Agriculture, Central Intelligence Agency, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Justice, National Aeronautics and Space Administration, the Joint Staff, Department of State, Department of Transportation, Department of Treasury, U.S. Information Agency, the Department of Veterans Affairs, Department of Health and Human Services, Department of the Interior, National Security Agency, the National Telecommunications and Information Administration and the Nuclear Regulatory Commission. The Federal Communications Commission, the United States Postal Service and the Federal Reserve Board also participate in the activities of the NCS. The vast majority of the telecommunications assets of these 23 organizations are leased from commercial communications carriers and serve the NS/EP needs of the Federal government as well as state and local governments.

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of 1949, 40 USC Section 481, and the Memorandum of Understanding between the Department of Defense and the General Services Administration dated November 27, 1950, hereby files these comments on behalf of the NCS to address National Security/Emergency Preparedness (NS/EP) telecommunications interests of the federal Government.

The twenty three organizations comprising the NCS were afforded the opportunity to review the National Telecommunications and Information Administration's (NTIA) Preliminary Spectrum Reallocation Report, NTIA's proposal to implement Title VI of the Omnibus Budget Reconciliation Act of 1993. The purpose of this particular review was to identify NS/EP telecommunications issues that might arise from the proposed reallocations of spectrum mandated by the 1993 Act. The following reflects the comments that were received.²

1. Amateur Service

Currently, amateur radio licensees are able to utilize 70 MHz in the 2300-2450 MHz range on a secondary basis to the federal radiolocation service. The NTIA preliminary report identifies three portions of this range, 2300-2310 MHz, 2390-2400 MHz and 2402-2417 MHz for reallocation for exclusive non-federal use. This proposed reallocation constitutes 35 of the 70 MHz currently available. Amateur licensees have in the past provided valuable NS/EP services in times of

²These comments are nearly identical to those filed by the NCS with NTIA on May 11, 1994. It is recognized that NTIA is required to send those comments to the Commission, but these comments are filed to reinforce the NS/EP interests that may be affected by the mandated frequency reallocation.

crisis and their continued ability to provide those services is important. It should be made clear that the results of the reallocation will not totally preclude amateur use of the specified 35 MHz. Those frequencies should continue to be available to amateur licensees on a secondary basis to whatever non-federal service the Federal Communications Commission determines should also utilize those frequencies.

2. The 1710-1755 MHz Subband

This subband of the 1710-1850 MHz band is used extensively by the federal government for NS/EP related activities. The Federal Emergency Management Agency (FEMA) utilizes this band for its Mobile Emergency Response System (MERS). The Forest Service of the Department of Agriculture utilizes this subband to provide critical radio microwave backbone links to the National Forests for the controlling and/or the directing of an extensive land mobile system which is used for law enforcement, fighting forest fires and emergency preparedness disaster control. The Department of Commerce utilizes this band for gathering weather related information. The subband is proposed to be reallocated on a delayed, mixed use basis.

The preliminary report identifies three types of government microwave stations which will be allowed to continue operations in this subband following reallocation, but a great number of government services, such as FEMA's MERS, will no longer be able to do so. The preliminary report states:

"...Compliance with the requirements of Title VI for mixed-use reallocation requires extensive replacement of federal equipment in this band. The average age of the existing equipment is approximately five years old, well below the expected 15-year life. Considering the remaining useful life of federal fixed microwave systems that have been purchased or contracted for and considering the time necessary to redesign, procure and install replacement equipment, a minimum delay of ten years in reallocation is necessary. (Emphasis added.)

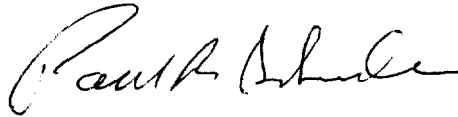
NTIA appears to have given proper consideration to the disruption and cost associated with the large number of federal services that will have to be reallocated from this subband, for the period of time allowed for reallocation is greater than for any other band proposed to be reallocated. The minimum ten year delay is important and this reallocation timetable should not be advanced. Displacement costs already considered prohibitive by some would of course increase should equipment have to be retired before the end of its useful life. (The Department of Agriculture estimates displacement costs for the Forest Service to be \$48 million assuming no early retirements. There is no assurance these costs will be reimbursed.) There is also a concern that essential operations in both the mixed-use 1710-1755 MHz subband and the 1755-1850 MHz subband remaining following reallocation will not be able to be carried out in an effective manner due to the crowded conditions that may exist. The entire ten year period is fully necessary to allow agencies to make new arrangements to provide these essential services. The NCS strongly urges that the proposed minimum ten year reallocation delay for the 1710-1755 MHz subband not be shortened.

CONCLUSION

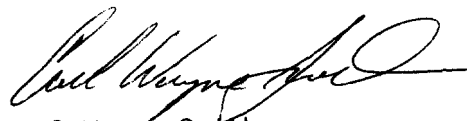
The National Communications System believes the Commission should consider NS/EP implications as reflected herein in its comments and

recommendations to NTIA.

Respectfully submitted,



Paul R. Schwedler
Assistant chief Regulatory Counsel
(703) 692-8457



Carl Wayne Smith
Chief Regulatory Counsel,
Telecommunications (DOD)
Code AR
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, Virginia 22204